

PUBLIC NOTICE

PUBLIC NOTICE
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY (LDEQ)
ASSET FUNDING GROUP, LLC- FORMER EVANS HARVEY FACILITY
FINAL ADMINISTRATIVE ORDER

The LDEQ, Office of Environmental Services, has made the decision to issue a Final Administrative Order (LAD 008158289-AO-1) to Asset Funding Group, LLC, 825 South Barrington Avenue, Los Angeles, CA 90049 for the Post-Closure Care of the Auxiliary Washer Containment Tank and site-wide corrective action at the Former Evans Harvey Facility. **The Former Evans Harvey Facility is located at 1255 Peters Road, Harvey, Louisiana 70058, Jefferson Parish.**

Under this Final Administrative Order, Asset Funding Group, LLC will perform post-closure care of the Auxiliary Washer Containment Tank and site-wide corrective action at the Former Evans Harvey Facility. As allowed by the regulations, LDEQ has issued an Administrative Order in lieu of a post-closure permit.

The Administrative Order and related documents are available for review and copying (all documents copied will be subject to a \$0.25 charge per copied page) at the LDEQ, Public Records Center, Room 127, 602 N 5th Street, Baton Rouge, LA. Viewing hours are from 8:00 am to 4:30 pm, Monday through Friday (except holidays). The available information can also be accessed electronically on the Electronic Document Management System (EDMS) on the DEQ Public website at www.deq.louisiana.gov.

An additional copy of this action may be reviewed at the Jefferson Parish Library, Jane O'Brien Chatelain West Bank Regional Library, 2751 Manhattan Boulevard, Harvey, LA 70058.

Previous notices have been published in The Advocate of Baton Rouge and The Times Picayune of New Orleans on Tuesday, April 15, 2008.

Inquiries or requests for additional information concerning this Order should be directed to Mr. Will F. Steele, LDEQ, Waste Permits Division, Post Office Box 4313, Baton Rouge, Louisiana 70821, phone: 225-219-3050.

Persons wishing to be included on the LDEQ permit public notice mailing list or for other public participation related questions should contact the Public Participation Group in writing at LDEQ, P.O. Box 4313, Baton Rouge, LA 70821-4313, by email at deqmaillistrequest@la.gov or contact the LDEQ Customer Service Center at (225) 219-LDEQ (219-5337).

Permit public notices including electronic access to the issued permit and associated information can be viewed at the LDEQ permits public notice webpage at www.deq.louisiana.gov/apps/pubNotice/default.asp and general information related to the public participation in permitting activities can be viewed at www.deq.louisiana.gov/portal/tabid/2198/Default.aspx

Alternatively, individuals may elect to receive the permit public notices via email by subscribing to the LDEQ permits public notice List Server at www.doa.louisiana.gov/oes/listservpage/ldeq_pn_listserv.htm

All correspondence should specify AI Number 1293, EPA ID LAD 008158289, and Activity Number PER20070005.

Scheduled for publication: March 20, 2009

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ADMINISTRATIVE ORDER

BOBBY JINDAL
GOVERNOR



HAROLD LEGGETT, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

CERTIFIED MAIL 7005 1820 0002 2093 3789

Jeff Hayden
Asset Funding Group, LLC
825 S. Barrington Avenue
Los Angeles, CA 90049

RE: ADMINISTRATIVE ORDER
LAD 008158289-AO-1/PER20070005
AGENCY INTEREST NO. 1293

Dear Sir:

Attached is your copy of the final administrative order issued in lieu of a post-closure permit in accordance with LAC 33:V.4396. This final administrative order addresses post-closure care and corrective action at the Former Evans Harvey Facility located at 1255 Peters Road, Harvey, Louisiana.

Please reference your Agency Interest Number 1293, EPA ID Number LAD008158289, and Permit Activity Number PER20070005 on all future correspondence pertaining to this matter.

Any questions concerning this action should be directed to Will F. Steele at (225) 219-3134.

Sincerely,

A handwritten signature in black ink, appearing to read "T. F. Harris".

Thomas F. Harris
Administrator
Waste Permits Division

Attachment

c. Carey Dicharry, OEA-RSD
Kishor Fruitwala, EPA Region 6

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

OFFICE OF ENVIRONMENTAL SERVICES

IN THE MATTER OF

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**ASSET FUNDING GROUP, LLC
CONCERNING THE FORMER
EVANS HARVEY FACILITY
JEFFERSON PARISH**

* **TRACKING NO.**

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LAD 008158289-AO-1

* **AGENCY INTEREST NO.**

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**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

1293

ADMINISTRATIVE ORDER

The following **ADMINISTRATIVE ORDER** is issued to **Asset Funding Group, LLC** (**RESPONDENT**) by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2011(D)(2), (D)(6) and (D)(14). This Order shall serve as enforceable document in lieu of a post-closure permit as provided by LAC 33:V.305.H and in accordance with LAC 33:V.4396.

FINDINGS OF FACT

I.

The Respondent owns a drum reconditioning facility (the Facility) located at 1255 Peters Road, Harvey, Louisiana 70058, previously owned by Evans. (At one time Evans was known as Evans Harvey Cooperage. However, Evans is a company that had undergone a number of name

changes and mergers culminating in a consolidation under Evans Industries, Inc.) The Facility is located on the land between Peters Road and the Harvey Canal as indicated on Attachment 1 of this Order. Evans had notified the Department as a large quantity generator of hazardous waste on November 3, 1983, and as a hazardous waste treatment, storage, and disposal (TSD) facility for a surface impoundment in post-closure. The Site has been assigned the EPA Identification Number, LAD 008158289.

II.

In 1974, Evans installed and started operation of an in-ground, indoor, concrete lined unit called the Auxiliary Washer Containment Tank (the Unit). The Department subsequently determined that the Unit was subject to regulation as a hazardous waste surface impoundment and, on January 5, 1989, issued Compliance Order **HE-C-88-0530** to Evans for operating a hazardous waste surface impoundment without interim status or a final permit. The Department finalized a settlement agreement with Evans on November 15, 1990, to address the violations noted in **Compliance Order HE-C-88-0530** and to address the hazardous waste surface impoundment. The Department issued **Administrative Order HE-O-95-0048** on May 2, 1995, that required Evans to submit a Part A hazardous waste permit application and to submit a closure plan for the Unit. Evans submitted a Part A hazardous waste permit application to the Department on September 5, 1995, identifying the Unit as a hazardous waste management unit.

III.

Evans submitted a Closure and Post-Closure Plan (the Plan) to the Department on February 5, 1997, and then submitted an addendum to the Plan dated March 4, 1997. The Department approved the Plan for the Unit in a letter dated June 25, 1997, and stated in the approval letter a post-closure

permit application may still be required. In the approved Closure and Post-Closure Plan, Evans dropped a request for clean closure of the Unit. In a letter dated December 11, 1998, the Department approved closure of the Unit in which waste was removed from the Unit and required post-closure care activities to be conducted in accordance with the Plan. The Plan required the Unit to be managed in accordance with LAC 33:V.Chapter 43, Subchapters F and G, and LAC 33:V.4369, which includes groundwater monitoring for the Unit.

IV.

Evans conducted groundwater monitoring of the Unit on October 29, 2005, and the sampling results exceeded the action assessment level for trichloroethylene at the point of compliance (POC). A second sampling event was conducted on December 7, 2005, that also exceeded the action assessment level for trichloroethylene. Evans notified the Department of the exceedances in a letter dated December 20, 2005, and stated that Evans would implement the Contingent Corrective Measures Plan as required by the Plan. As a result of these exceedances, the Department, in a letter dated March 15, 2006, required Evans to submit a work plan for the Unit to meet the requirements of the Contingent Corrective Measure Plan.

V.

Respondent purchased the facility in April of 2005 and began leasing the facility to Evans. Evans subsequently filed for Chapter 11 Bankruptcy on April 25, 2006. The Waste Permits Division was informed of the bankruptcy proceedings in a letter dated November 30, 2006, from the Committee of Unsecured Creditors in response to a November 23, 2006 letter from the Department requesting financial assurance for the facility. In October 2006, the bankruptcy plan was confirmed with rejection of the lease agreement between Evans and the Respondent.

Based on the foregoing, the Respondent is **hereby ordered**:

I.

Provisions of the Order

1. **Severability.** The conditions of this Order are severable and if any provisions of this Order or the application of any provision of this Order to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected thereby.
2. **Ownership Transfer.** Any documents transferring ownership and/or operations of the Unit from the Respondent to a successor-in-interest shall include written notice and a copy of this Order to the successor-in-interest. The Respondent shall provide written confirmation of the notice and copy of this Order being provided to the new owner and/or operator and written notice of the transfer of ownership and/or operations of the Unit to the Department's Office of Environmental Services, Permits Support Services, Permit Application Administrative Review Group, P.O. Box 4313, Baton Rouge, LA 70821-4313, in accordance with LAC 33:I.Chapter 19. The Respondent will be subject to the provisions of this Order until such time that a final permit, order or other enforceable document is issued to the new owner or operator and made effective. At such time that a final permit, order or other enforceable document is issued to a new owner or operator and made effective, the Respondent must submit a request to the Office of Environmental Services to terminate this Order. Any new permit, order or other enforceable document issued to the new owner or operator must contain provisions for financial assurance.
3. **Modification or Amendment of the Order.** All requests for amendments or modifications to change the conditions of the Order shall be submitted to the Department's Office of

Environmental Services, Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313, in writing for approval. In accordance with LAC 33:V.4396.B.1., amendments, modifications to the order involving any selection and implementation of a final remedy under LAC 33:V.3321 or 3322, request to terminate a corrective action approved under LAC 33:V.3319, 3321 or 3322, or request for reduction or termination of the thirty (30) year post-closure requirements, will require public notice and opportunity for comment as required by LAC 33:V.4396.B.

4. **Incorporation of Submittal Material.** Reports, plans, specifications, schedules, attachments and response documents submitted as a requirement of this Order shall be deemed incorporated into and part of this Order upon approval. The Department shall notify the Respondent in writing of any approval or disapproval of reports, plans, specifications, schedules, attachments, and response documents or any part thereof as necessary.
5. **LELAP Accreditation.** Any commercial laboratory providing analytical results and test data to the Department required by this Order shall be accredited by the Louisiana Environmental Laboratory Accreditation Program (LELAP) in accordance with LAC 33:I. Subpart 3, Chapter 45. Laboratory data generated by commercial laboratories not accredited under LELAP will not be accepted by the Department. If the Respondent decides to use their own in-house laboratory for test and analysis, the in-house laboratory is not required to be accredited by LELAP. However, the laboratory must maintain quality assurance/quality control procedures onsite.

II.

Responsibilities of the Respondent

1. **Duty to Comply.** The Respondent shall comply with all conditions of this Order, except to the extent and for the duration such noncompliance may be authorized by the Department. Any

noncompliance, other than noncompliance authorized by the Department, constitutes violation of the LAC 33:V.Subpart 1 and the Act and is ground for enforcement action.

- 2. Proper Operation and Maintenance.** The Respondent shall at all times properly operate and maintain all facilities and systems of treatment and control (and related ancillary equipment) that are installed or used by the Respondent to achieve compliance with the conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the Order.
- 3. Duty to Provide Information.** The Respondent shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order, or to determine compliance with this Order. The Respondent shall also furnish to the Department, upon request, copies of records required by this Order. The Respondent is not responsible for records not in their control or possession; however, the Respondent may be required to perform testing or sampling in lieu of a records request from the Department.
- 4. Retention of Records.** The Respondent shall, for the life of the Order, maintain records of all data used to meet the requirements of this Order and any supplemental information submitted under the Louisiana Hazardous Waste Control Law (La. R.S. 30:2171 et seq.). The maintained records must include records from all groundwater monitoring wells and associated groundwater surface elevations. All records, including plans, must be furnished upon request and made

available at all reasonable times as required by LAC 33:V.1529.C. File copies shall be kept for inspection by the Department for a period of not less than three years as required by LAC 33:V.317.B. Records shall be maintained in accordance with this condition at the offices of the local consultant for the Respondent, Environ International Corporation, 8235 YMCA Plaza Drive, Suite 300, Baton Rouge, LA. The Respondent must notify in writing by certified mail any change in the location of the records.

5. **Notice of Facility Changes.** In accordance with LAC 33:V.309.L.1, the Respondent shall give notice to the Department's Office of Environmental Services, as soon as possible, of any planned physical alterations or additions to the Unit.
6. **Notification of Unauthorized Discharges and Noncompliance.** In the event of unauthorized discharge(s) from the facility, or in the event of non-compliance with the Order, the Respondent must report the event to the administrative authority in accordance with the procedures of LAC 33: I. Chapter 39.
7. **Signatory Requirement.** All applications, reports or other information submitted to the Department shall be signed and certified according to LAC 33:V.507, 509, 511, and 513.
8. **Annual Reporting Requirements.** By March 1st of each year, an annual report shall be submitted covering all hazardous waste units and their activities during the previous calendar year as required by LAC 33:V.1529.D. The annual report must summarize any groundwater monitoring and corrective action activities from the previous year. The report must be submitted to the Office of Environmental Services, Permits Support Services, P.O. Box 4313, Baton Rouge, LA 70821-4313. A copy must also be sent to the Office of Environmental Services, Waste Permits Division P.O. Box 4313, Baton Rouge, LA 70821-4313.

- 9. Design and Operation of the Post-Closure Unit(s)** (1) The Respondent must maintain all facilities to minimize the possibility of a fire, explosion, or any unauthorized sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or water that could threaten human health or the environment. (2) The Respondent must not manage any new wastes in the post-closure units or SWMU/AOC(s) covered under this Order.
- 10. Security.** The Respondent must comply with the security provisions of LAC 33:V.1507, as referenced in the approved Post-Closure Care Plan.
- 11. General Inspection Requirements.** The Respondent must follow the inspection requirements referenced in the approved Post-Closure Care Plan. The Respondent must remedy any deterioration or malfunction discovered by an inspection as required by LAC 33:V.1509.C. Records of inspections must be kept as required by LAC 33:V.1509.D. The inspection schedule must include the regulatory requirements of LAC 33:V.517.G, 1509.A and B, and 3528.B.
- 12. Post-Closure Care Period.** In accordance with LAC 33:V.3521, the period of post-closure care for the Unit shall not be less than thirty (30) years, unless an alternative duration is demonstrated under the requirements of LAC 33:V.3521.A. The period of post-closure care commenced on December 11, 1998 as detailed in Item 3 in the Findings of Fact. The post-closure care may not be terminated while corrective action is ongoing at the Unit.
- 13. Certification of Completion of Post-Closure Care.** No later than sixty (60) days after completion of the established post-closure care period for the Unit, the Respondent must submit to the Department, by registered mail, a certification that the post-closure period for the Unit was performed in accordance with the specifications in the approved Post-Closure Plan. The certification must be signed by the Respondent and an independent registered professional

engineer. Within sixty (60) days after receipt of the certification, the Department will notify the owner or operator that he is no longer required to maintain financial assurance for post-closure care of that unit, unless the Department has reason to believe that post-closure care was not conducted in accordance with the approved Post-Closure Plan. The certification of post-closure care shall include the certification statement found in the LAC 33:V.513.A or the current certification statement in the Louisiana hazardous waste regulations at the time of completion of post-closure care.

14. Post-Closure Care Cost Estimate. The Respondent must maintain a current post-closure cost estimate for the Unit and associated structures as required by LAC 33:V.3709.

15. Financial Assurance for the Post-Closure Unit. Throughout the post-closure care period, the Respondent must provide updates for its financial assurance mechanisms, as necessary, to comply with the provisions of LAC 33:V.3711.

16. Incapacity of the Respondent or Operators, or Guarantors. In accordance with LAC 33:V.3717.A, the Respondent must notify the Department by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the Respondent as a debtor, within ten (10) days after the commencement of the proceeding. Should the Respondent obtain a corporate guarantee, the guarantor of the corporate guarantee must make such a notification if he is named as debtor, as required by the terms of the corporate guarantee (see LAC 33:V.3719.H).

17. Incapacity of Financial Institutions. In accordance with LAC 33:V.3717. B, should the Respondent fulfill the requirements of LAC 33:V.3707, 3711 or 3715 by obtaining a trust fund, surety bond, letter of credit, or insurance policy, the Respondent will be deemed to be without

the required financial assurance in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter or credit or insurance policy to issue such instruments. The Respondent must establish other financial assurance within sixty (60) days after such an event.

18. Post-Closure Notices. If the Respondent or any subsequent Respondent/owner of the land upon which this hazardous waste disposal unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner or contaminated soils, he must request a modification to the Order in accordance with Item 3 of the Provisions of the Order. The Respondent must demonstrate that the removal of hazardous wastes will satisfy the criteria of LAC 33:V.3521. By removing hazardous waste, the Respondent may become a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33: V, Subpart 1. If he is granted a modification or otherwise granted approval to conduct such removal activities, the Respondent may request, in accordance with LAC 33:V.3525.C., that the Department approve either:

- a. the removal of the notation on the deed to the facility property or other instrument normally examined during title search; or
- b. the addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

19. Requirement for Site Wide Corrective Action. The Respondent must institute where necessary the site-wide corrective action under the Hazardous and Solid Waste Amendments in accordance with LAC 33:V.3322. The Respondent must follow any requirements included in

Section III, Schedule of Compliance, Item 6 of this Order. The Site Wide Facility Assessment Plan required by Section III, Schedule of Compliance, Item 6, will be used to determine if there are solid waste management units or areas of concern, other than the Unit, located at the Facility that require further investigation. Based on the results of the site wide facility assessment, the Department will amend the order to indicate the Respondent's further obligations for site wide corrective action. The amended order will either indicate that the Respondent has completed their obligations under LAC 33:V.3322 at the time or specify the further specific submittal requirements. Attached to this Order is the Corrective Action Strategy (CAS) (Attachment 2). The CAS is intended as guidance only and is not meant to supersede the requirements of this Order.

III.

Schedule of Compliance

- 1. Groundwater Assessment.** Within forty-five (45) days of issuance of this action, the Respondent must submit for approval to the Department a Groundwater Contamination Assessment Plan to define the nature and extent of the release from the Unit with a sampling schedule that includes groundwater sampling in accordance with the applicable sections of LAC 33:V.Chapter 33. Three copies of the plan must be submitted to the Office of Environmental Services, Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313.
- 2. Implementation of Groundwater Contamination Assessment Plan.** The Respondent must implement the Groundwater Contamination Assessment Plan within sixty (60) days of approval by the Department unless otherwise stated in the approval. The Respondent also must implement any conditions included in the Department's approval of the Groundwater Contamination

Assessment Plan. The Respondent must submit for approval to the Department a Groundwater Contamination Assessment Report detailing the results of the assessment within sixty (60) days of completing the activities approved under the Groundwater Contamination Assessment Plan. The Department may require modification or amendment of the Order to include any interim corrective measures or corrective action required by the Department. Three copies of the Groundwater Contamination Assessment Report must be submitted to the Office of Environmental Services, Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313.

3. Post-Closure Care Plan. Within forty-five (45) days of approval of this Groundwater Contamination Assessment Report, the Respondent must submit to the Department for approval a revised Post-Closure Care Plan for the Unit in accordance with LAC 33:V.Chapter 35, as well as in accordance with comments provided by the Department as an attachment to this Order. The Post-Closure Care Plan must include a sampling and analysis plan meeting the applicable requirements of LAC 33:V. Chapter 33 and applicable conclusions from the Groundwater Contamination Assessment Plan or Report. The Post-Closure Care Plan must include any proposed corrective action and sampling parameters, in accordance with LAC 33:V.Chapter 33. The Respondent must implement the conditions of the revised Post-Closure Plan within sixty (60) days of approval by the Department or, alternatively, the plan must include an implementation schedule. Three copies of the revised Post-Closure Care Plan must be submitted to the Office of Environmental Services, Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313.

4. Detailed Cost Estimate. The Post-Closure Care Plan must include a detailed and itemized cost estimate covering the costs of post-closure care for the Unit within thirty (30) days of issuance of

this action. The cost estimate must be submitted in accordance with LAC 33:V.Chapters 35 and 37 and be approved by the Department. Based on the approved Post-Closure Care Plan submitted as a condition of Item 3, the Respondent may revise the itemized cost estimate at a later date. Three copies must be submitted to the Office of Environmental Services, Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313.

5. **Financial Assurance.** The Respondent must submit financial assurance for post-closure for the Unit within thirty (30) days of the approval of the cost estimate required by Item 4 of the Schedule of Compliance of this Order. The financial assurance must be in accordance with LAC 33:V.Chapter 37 and cover the cost estimates required for the Unit. An original or an original duplicate, in accordance with the appropriate mechanism, must be submitted to the Office of Environmental Services, Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313.
6. **Site-Wide Facility Assessment Plan.** Within ninety (90) days after submittal of the Groundwater Contamination Assessment Report required by Item 2 of the Schedule of Compliance, the Respondent must submit to the Department for approval a Site-Wide Facility Assessment Plan detailing the investigation methods and strategy to assess the potential for release of hazardous waste or hazardous waste constituents from the Drum Reconditioning Facility or other areas of the property identified by the EPA identification number LAD008158289 as required by LAC 33:V.3322. The plan must include a site inspection and a thorough records review. The purpose of the Site wide Facility Assessment Plan and subsequent report is the identification of any potential solid waste management units or areas of concern other than the Unit and the determination of any possible action. (See Responsibilities of the Respondent, Item 19.) Three copies must be submitted to the Office of Environmental Services,

Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313

7. **Part A Information Submittal.** Within thirty (30) days of issuance of this Order, the Respondent must submit a Part A application notifying the Department of ownership of the Facility and the Site. The Part A application must be submitted to the Office of Environmental Services, Permits Support Services, P.O. Box 4313, Baton Rouge, LA 70821-4313. A copy must be submitted to the Office of Environmental Services, Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313.
8. **Disposal of Abandoned Material.** Within one hundred and eighty (180) days of issuance of this action, the Respondent must remove and properly dispose of all drums, drum contents and other waste located at the Facility including any waste storage, disposal or treatment units. Disposal of any waste or contaminated material must be in accordance with the appropriate regulations (including LAC 33:V. Hazardous Waste, Subpart 1 and LAC 33:VII. Solid Waste, Subpart 1). The Respondent must inform the Department of the initial mobilization dates for sampling and ultimate removal. Within sixty (60) days of completion of these activities (240 days of issuance of this action), the Respondent must submit a report summarizing the activities to the Department. These activities must include the decontamination of any contaminated equipment, structure, and secondary containment. Three copies of the report must be submitted to the Office of Environmental Services, Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313.

IV.

The Respondent shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and

reissuing, or terminating this Order, or to determine compliance with this Order. The Respondent shall also furnish to the Department upon request, copies of records required by this Order.

V.

For any failure to comply with the requirements of this Order or the requirements of the Act or the Department's regulations, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

V.

This **ADMINISTRATIVE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 4 day of March, 2009.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Services

ATTACHMENT 1



Harvey
Canal
NO 1

Drum
Reconditioning
Facility

Peters Rd
SP Railroad

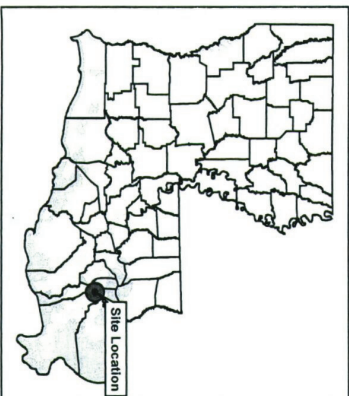
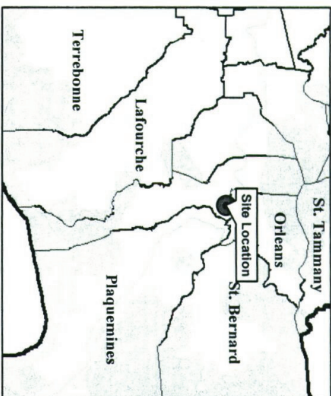
Drum
Manufacturing

Norman

Former Evans Industries

1255A Peters Road, Harvey, LA 70059

AI # 1293



Date: August 20, 2008 Map Number: 200801219
Map Projection: UTM Zone 18
Map Sources: 12/2002 USGS High Resolution Ortho Photography;
04/2008 TerraViva's Transportation
LDEQ Disclaimer: The Louisiana Department of Environmental Quality (LDEQ) has made every reasonable effort to ensure quality and accuracy in producing this map or data set. Nevertheless, the user should be aware that the information on which it is based may have come from any of a variety of sources, and that the map or data set, and does not accept any responsibility for the consequences of its use.

ATTACHMENT 2

I. GENERAL CONDITIONS PURSUANT TO THE HAZARDOUS AND SOLID WASTE AMENDMENTS

I.A. Information Submittal for the Corrective Action Strategy

The Respondent shall ensure that all plans, reports, notifications, and other submissions to the Administrative Authority required by this Order using the Corrective Action Strategy are signed and certified in accordance with LAC 33:V.Chapter 5, Subchapter B. All submittals required under the corrective action strategy must conform to those requirements outlined in the RECAP (see Condition II.N.5, Table 1). Variance from content and/or formatting guidelines provided under the RECAP shall be requested by the Respondent prior to submittal to the Administrative Authority, as deemed necessary. Approval or disapproval of such a request with further guidance on content and formatting will be provided by the Administrative Authority, as deemed necessary. Five (5) copies each of these plans, reports, notifications or other submissions and one (1) electronic copy (3.5" IBM compatible disk or CD-ROM) of all portions thereof which are in word processing format shall be submitted to the Administrative Authority by Certified Mail or hand delivered to:

**Louisiana Department of Environmental Quality
Office of Environmental Services
Waste Permits Division
P.O. Box 4314
Baton Rouge, LA 70821-4314**

A summary of the planned reporting milestones pursuant to the corrective action requirements of this Order is found in Condition II.N.5, Table 2.

I.B. Data Retention

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Order shall be maintained at the facility during the term of this Order, including any amended Orders.

I.C. Management of Wastes

All solid wastes which are managed pursuant to a remedial measure taken under the corrective action process or as an interim measure addressing a release or the threat of a release from a solid waste management unit shall be managed in a manner protective of human health and the environment and in compliance with all applicable Federal, State and local requirements. As a response to the Louisiana legislature mandate La. R.S. 30:2272 (Act 1092 of the 1995 Regular Session) to develop minimum remediation standards, the LDEQ promulgated the Risk Evaluation Corrective Action Program (RECAP). RECAP's tiered approach to risk evaluation and corrective action establishes not only across the board numerical standards for

most media, but also allows for the development of more site-specific numerical standards, as warranted. The Respondent is required to comply with all applicable requirements of RECAP. Approval of units for managing wastes and conditions for operating the units shall be granted through the corrective action process.

II. SPECIAL CONDITIONS PURSUANT TO HAZARDOUS AND SOLID WASTE AMENDMENTS—CORRECTIVE ACTION STRATEGY

Corrective Action for Releases: Section 3004(u) of RCRA, as amended by the Hazardous and Solid Waste Amendments (HSWA), and LAC 33:V.3322 require that permits issued after November 8, 1984, address corrective action for releases of hazardous waste or hazardous constituents from any solid waste management unit at the facility, regardless of when the waste was placed in the unit. Enforceable documents may be issued in lieu of post-closure permit; however, LAC 33:V.4396 and LAC 33:V.305.H require that these enforceable documents meet the requirements of LAC 33:V.3322.

EPA's traditional RCRA corrective action approach is structured around several elements common to most activities. In the first phase, RCRA facility assessment (RFA), EPA or the authorized state assesses the facility to identify releases and determine the need for corrective action. In the second phase, RCRA facility investigation (RFI), the facility conducts a more detailed investigation to determine the nature and extent of contaminants released to ground water, surface water, air, and soil. If remedial action is needed, a third phase, corrective measures study (CMS), is started. During this phase, the facility conducts a study, which when completed, describes the advantages, disadvantages, and costs of various cleanup options. After selection of a final remedy, the fourth phase, corrective measures implementation (CMI), is initiated. The facility is required to design, construct, operate, maintain, and monitor the final remedy(s).

The Corrective Action Strategy (CAS) is an alternate corrective action approach that can be implemented during any phase of corrective action for a release area. The Respondent shall use the CAS approach as the framework for corrective action to clarify, facilitate and expedite the process, and shall use the **Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP)** for screening and media-specific cleanup standards. EPA has interpreted the term "release" to mean, "any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment." (50 FR 2873, July 15, 1985). The CAS refers to "release areas" as solid waste management units (SWMUs) and areas of concern (AOCs) while the RECAP refers to release areas as areas of investigation (AOIs). SWMUs and AOCs may also be referred to as "AOIs" when investigated and managed under the RECAP.

II.A. ALTERNATE CORRECTIVE ACTION

II.A.1. Introduction to CAS

This Order will utilize the CAS Guidance (www.epa.gov/Arkansas/6pd/rcra_c/pd-o/riskman.htm) developed by the U.S. Environmental Protection Agency (EPA) Region 6, whenever the Administrative Authority determines that it will serve to

facilitate the corrective action. The CAS Guidance Document shall be utilized to the fullest extent practicable for planning and implementation of the corrective action. The CAS in this Order shall not supersede existing Federal, State, and local regulations. The two primary objectives are to prioritize corrective action at the facility, and streamline corrective action administrative procedures, resulting in the protection of human health and the environment.

The CAS is a performance-based approach; using data quality objectives, investigations begin with the endpoint in mind. The CAS is a risk management strategy that can be implemented during any phase of corrective action. However, the CAS need not be applied to work that has already been completed to the satisfaction of the Administrative Authority. Performance standards are established at the beginning of the corrective action process, allowing earlier and more focused implementation. Releases are screened using RECAP screening numbers to determine the priority of corrective action, and remedial alternatives are selected on the basis of their ability to achieve and maintain the established performance standards.

There is no one specific path through the CAS process. The CAS is a facility-wide approach, focusing corrective action on releases that pose the greatest risk first. Screening releases will also enable some areas of interest to qualify for no further action at this time (Condition II.A.3.a.), thus resources can be used to best benefit the protection of human health and the environment. The CAS process also considers activities previously conducted under the traditional corrective action process. Appendix 1 of this Order contains a summary of corrective action activities completed to date and also describes where the Respondent is in the CAS process at the time of issuance of this Order. The applicability of various provisions of the CAS will depend on where the Respondent is in the CAS process as detailed in Condition II.E.5, Table 2.

The traditional RCRA corrective action process and reports (i.e., RFIs, CMSs, CMLs, etc.) are not elements of the CAS. However, the use of information and reports from the traditional corrective action process, if available, is encouraged, in addition to new site-specific information.

The Administrative Authority, through an agency-initiated Order modification, may remove the CAS as the means of facility-wide corrective action in the case of the failure of the Respondent to disclose information, abide by the terms and conditions of this Order, adhere to agreed schedules, or show adequate progress; or should an impasse occur between the Respondent and the Administrative Authority. The Administrative Authority will institute other means of corrective action (such as traditional corrective action) at the facility through modification of this Order.

II.A.2. Performance Standards

Expectations for the outcome of corrective action at a facility are established in the CAS by three performance standards as defined in Conditions II.A.2.a through c. The

Respondent's proposed performance standards shall be presented during the scoping meeting. The Respondent must justify the proposed performance standards through evaluation and documentation of land use, ground water designation (current and reasonably expected future use), types of receptors present, exposure pathways, etc.; as described in RECAP, Chapter 2. Through the application of the performance standards and RECAP, the Respondent and Administrative Authority shall determine whether a release must be addressed through corrective action, and whether implemented corrective actions are protective of human health and the environment.

The Respondent shall submit the performance standards in writing along with the Conceptual Site Model (Condition II.D) within one-hundred and twenty (120) days after the scoping meeting. The Administrative Authority may either approve the performance standards proposed by the Respondent or establish performance standards that the Administrative Authority deems necessary to protect human health and the environment.

The three CAS performance standards are defined below. The order in which the performance standards are listed does not indicate that one performance standard takes priority over another. All applicable performance standards must be achieved by the Respondent.

II.A.2.a. Source Control Performance Standard

Source control refers to the control of materials that include or contain hazardous wastes or hazardous constituents that act as a reservoir for migration of contamination to soil, sediment, ground water, surface water, or air, or as a source for direct exposure.

The facility must determine if source material is present. Removal, containment, treatment, or a combination of the three, must be evaluated on a case-by-case basis. Controlling source material is a predominating issue in the CAS, and must be addressed to ensure protectiveness over time. Prioritization of the SWMUs and AOCs does not mean avoidance of controlling source materials.

II.A.2.b. Statutory and Regulatory Performance Standard

Applicable statutory and regulatory requirements (Federal, State, and local) must be identified. These requirements may dictate media-specific contaminant levels (e.g., maximum contaminant levels (MCLs) in drinking water) that must be achieved and may become a performance standard for the Respondent.

II.A.2.c. Final Risk Goal Performance Standard

The final risk goal is the level of protection to be achieved and maintained by the Respondent. The final risk goal shall be based on site-specific issues

including land use, special subpopulations, contaminant concentrations based on acceptable risk, location at which the levels are measured, and the remediation time frame, as specified by RECAP.

One final risk goal may apply to the entire facility, but it is more likely that different releases will require different final risk goals due to variations in location of releases, land use, proximity of receptors, etc. The final risk goal will be based on sound risk assessment methodologies (Condition II.A.3).

II.A.3. Use of RECAP

The latest edition of the RECAP document shall be used by the Respondent to determine the need for further corrective actions under this Order. The RECAP consists of a tiered framework comprised of a Screening Option (SO), and three Management Options (MO). The tiered management options allow site evaluation and corrective action efforts to be tailored to site conditions and risks. As the MO level increases, the approach becomes more site-specific and hence, the level of effort required to meet the objectives of the Option increases.

The RECAP shall be used by the Respondent to evaluate data quality and data usability (RECAP Section 2.4 and 2.5), to determine the identity of an AOI as described in RECAP Section 2.6, and for estimations of Area of Investigation Concentrations and Groundwater Compliance Concentrations for each media as defined in RECAP Section 2.8.

The RECAP shall be used by the Respondent to evaluate land use as described in RECAP Section 2.9, and groundwater/aquifer use as described in RECAP Section 2.10.

The RECAP shall be used by the Respondent to prioritize AOCs, SWMUs, and AOIs that require remediation so site investigations are focused on the release areas that pose the greatest risk. As the CSM is compiled, the Respondent shall assess historical data (RECAP Section 2.5) and use the following management options, as appropriate, to address each release site.

II.A.3.a. Screening Option

The Respondent shall use the Screening Standards (SS) which are LDEQ-derived screening numbers for soil and groundwater for non-industrial and industrial land use scenarios. The SS shall be used to demonstrate that an AOI does not pose a threat to human health and the environment and, hence does not require further action at this time (NFA-ATT) or that further evaluation is warranted under a higher Management Option.

II.A.3.b. Management Option 1

The Respondent shall use Management Option 1 (MO-1) which provides a RECAP standard (RS) derived for non-industrial and industrial exposure scenarios using currently recommended default exposure parameters and toxicity values. Under MO-1, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-1 limiting RS, then the Respondent may; (1) remediate to the MO-1 limiting RS (and comply with closure/post closure requirements for MO-1), or (2) proceed with a MO-2 or MO-3 evaluation.

II.A.3.c. Management Option 2

The Respondent shall use Management Option 2 (MO-2) which provides for the development of soil and groundwater RS using site-specific data with specified analytical models to evaluate constituent fate and transport at the AOI. The results of this evaluation shall be used in conjunction with standard reasonable maximum exposure (RME) assumptions to identify site-specific MO-2 RS. Under MO-2, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-2 limiting RS, then the Respondent may; (1) remediate to the MO-2 limiting RS (and comply with closure/post closure requirements for MO-2), or (2) proceed with a MO-3 evaluation.

II.A.3.d. Management Option 3

The Respondent shall use Management Option 3 (MO-3) which provides the option of using site-specific data for the evaluation of exposure and the evaluation of environmental fate and transport at the AOI. The results of the site-specific evaluation may be to develop site-specific MO-3 RS. Under MO-3, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-3 limiting RS, then the Respondent shall; (1) remediate to the MO-3 RS, (2) conduct confirmatory sampling, and (3) comply with closure/post closure requirements for MO-3.

II.A.4. Corrective Action for Releases Beyond Facility Boundary

Section 3004(v) of RCRA as amended by HSWA, and State regulations promulgated as LAC 33:V.3322.C require corrective actions beyond the facility property boundary, where necessary to protect human health and the environment, unless the Respondent demonstrates that, despite the Respondent's best efforts, the Respondent was unable to obtain the necessary permission to undertake such actions. The Respondent is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where offsite access is denied.

II.A.5. Financial Responsibility

Assurances of financial responsibility for corrective action shall be provided by the Respondent as specified in the Order following modification for remedy selection. Financial responsibility requirements and the corresponding cost estimates will be dependent on the remedy selection(s).

II.A.6. Summary of Corrective Action Activities

A summary of the corrective action activities associated with the facility is provided in Condition II.E.5, Table 2. AOCs and SWMUs that are currently being managed or proposed for management under a prescribed corrective action program (e.g., groundwater order, corrective action order, CERCLA) are identified in Condition II.E.5, Table 2.

II.A.7. Approval of Alternate Schedule

The Respondent may submit a written request for an alternate schedule for a submittal deadline as presented in Condition II.E.5, Table 1. The request should propose a specific alternate schedule and include an explanation as to why the alternate schedule is necessary. The Administrative Authority will consider site-specific criteria in either approving or disapproving the request for an alternate schedule.

II.B. PROJECT DEVELOPMENT AND SCOPING MEETING

II.B.1. Notice of Intent

The Respondent must submit to the Administrative Authority a Notice of Intent to conduct corrective action using the CAS within sixty (60) days of the effective date of this Order. The notice of intent should state the following in a concise manner:

II.B.1.a. General information regarding facility location;

II.B.1.b. General information regarding the facility's operational history;

II.B.1.c. General discussion on how the Respondent will proceed through the CAS;

II.B.1.d. Brief description of proposed performance standards for corrective action; and

II.B.1.e. Propose a date for a scoping meeting between the Respondent and the Administrative Authority to be held within sixty (60) days of the date of the Notice of Intent.

II.B.2. Scoping Meeting

The scoping meeting will serve as the first CAS milestone where the Respondent and the Administrative Authority identify expectations concerning CAS implementation. The length and extent of the meeting will depend on the complexity of the site. Agreements on land use, groundwater classification, the level of detail required in the conceptual site model (see Condition II.D) and expectations for remediation goals will be discussed during the scoping meeting(s). During the scoping meeting the Respondent will present the following information to the Administrative Authority:

II.B.2.a. A conceptual site model (if one already has been developed);

II.B.2.b. Discussions on history of corrective action at the facility, including facility investigations, risk evaluations or risk assessments, interim measure/stabilizations and final remedies implemented;

II.B.2.c. Proposed performance standards for the facility with justification, and potential risk management approaches;

II.B.2.d. Discussions on how the Respondent plans to use the CAS to meet its corrective action obligations, including permitting and compliance issues;

II.B.2.e. A Communication Strategy Plan that specifies where in the CAS process the Respondent is currently and how the Respondent will provide information about future progress at the facility to the Administrative Authority (i.e., progress reports, conference calls, routine meetings, etc.);

II.B.2.f. Site-specific concerns (i.e., sensitive environments or special subpopulations);

II.B.2.g. Need for interim measures or stabilization activities, if necessary; and

II.B.2.h. Schedule for submittal of the CAS Investigation Workplan and proposed schedule for conducting and completing CAS requirements, including public participation.

Information plans and reports that have already been developed by the Respondent during the corrective action process can be referenced during the scoping meeting. The Respondent must coordinate with the Administrative Authority in order to determine the date, time, and location of the scoping meeting.

II.C. REPORTING REQUIREMENTS

II.C.1. The Respondent shall submit, in accordance with Condition I.A., signed reports of all activities conducted pursuant to the provisions of this Order as required

by the Administrative Authority. The reporting schedule shall be determined on a case-by-case basis by the Administrative Authority. These reports shall contain, as applicable to the stage of corrective action, the information required by CAS, as well as the following:

II.C.1.a. A description of the work completed and an estimate of the percentage of work completed;

II.C.1.b. Summaries of all findings, including summaries of laboratory data;

II.C.1.c. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;

II.C.1.d. Projected work for the next reporting period;

II.C.1.e. Summaries of contacts pertaining to corrective action or environmental matters with representatives of the local community, public interest groups or State government during the reporting period;

II.C.1.f. Changes in key project personnel during the reporting period; and

II.C.1.g. Summaries of all changes made in implementation during the reporting period.

II.C.2. Copies of other reports relating to or having bearing upon the corrective action work (e.g., inspection reports, drilling logs and laboratory data) shall be made available to the Administrative Authority upon request.

II.C.3. In addition to the written reports as required in Condition II.C.1 and II.C.2 above, at the request of the Administrative Authority, the Respondent shall provide status review through briefings with the Administrative Authority.

II.C.4. The determination and approval of remedy selections, schedules of submittals and minor changes to any corrective action workplans may be made by the Administrative Authority during the scoping meeting or status review briefings as described in Condition II.C.3.

II.D. SPECIFIC CONDITION – CONCEPTUAL SITE MODEL (CSM)

No later than 120 days after the scoping meeting, the Respondent shall submit to the Administrative Authority a CSM (along with the Performance Standards detailed in Condition II.A.2) or an update of any CSM submitted at the scoping meeting providing background information and the current conditions at the facility. The level of detail required for the CSM will be discussed during the scoping meeting. At a minimum, the CSM must address current site conditions, land use, known and/or potential constituent source(s), routes of constituent migration, exposure media (i.e., soil, surface waters, groundwater), exposure points, points of compliance and pathways, receptors and source media to be

evaluated under the RECAP. The CSM must include a completed Figure 8 (LAC 33:I.Chapter 13). The Respondent may include completed investigations, existing data, or previously submitted documents in the CSM by reference. References must include the names, dates, and brief summaries of the documents.

If a CSM has been previously developed, the scoping meeting will also provide the opportunity for the Respondent and Administrative Authority to consider and identify all data gaps in the CSM. The initial CSM shall be considered the "base document" to be prepared and updated by the facility as new information is gathered during investigations. The CSM shall be used by the facility to make decisions regarding risk management options, ecological risk, and monitored natural attenuation determinations (RECAP Section 2.16), or technical impracticability (TI) waiver determinations, when appropriate.

The Administrative Authority reserves the right to require revisions to the CSM based upon data resulting from ongoing investigations and activities. Revisions to the CSM may also be required for newly identified SWMUs or AOCs according to Condition II.L of this Order and based on new information and information not previously considered by the Administrative Authority.

The CSM shall be divided into Profiles as detailed in Conditions II.D.1 through 6. If the Respondent chooses to use existing data and documents in the CSM, it may not be necessary to prepare the Profiles as detailed in Conditions II.D.1 through 6. However, the existing documents and data must provide sufficient information and detail which corresponds to the information required by the Facility, Land Use and Exposure, Physical, Release, Ecological, and Risk Management Profiles.

II.D.1. Facility Profile

The Respondent shall include in the CSM a Facility Profile which shall summarize the regional location, pertinent boundary features, general facility structures, process areas, and locations of solid waste management units or other potential sources of contaminant migration from the routine and systematic releases of hazardous constituents to the environment (e.g., truck or railcar loading/unloading areas). The Respondent shall also include historical features that may be potential release areas because of past management practices. The Facility Profile shall include:

II.D.1.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

II.D.1.a.(1) General geographic location;

II.D.1.a.(2) Property lines with the owners of all adjacent property clearly indicated;

II.D.1.a.(3) Facility structures, process areas and maintenance areas;

II.D.1.a.(4) Any other potential release areas shall be delineated, such as railcar loading/unloading areas or any other AOI as described in RECAP Section 2.6; and

II.D.1.a.(5) Locations of historical features that may be potential release areas or any areas of past solid and hazardous waste generation, treatment, storage or disposal activities.

II.D.1.b. The Facility Profile shall also include a description of ownership and operation of the facility.

II.D.1.c. The Respondent shall provide pertinent information for those spills that have not been assessed and reported to the Administrative Authority during facility investigations, addressed by facility spill contingency plans, or previously remediated or deemed for no further action. The information must include at minimum, approximate dates or periods of past waste spills, identification of the materials spilled, the amount spilled, the location where spilled, and a description of the response actions conducted (local, state, federal, or private party response units), including any inspection reports or technical reports generated as a result of the response.

II.D.2. Land Use and Exposure Profile

The Respondent shall include in the CSM a Land Use and Exposure Profile which includes surrounding land uses (industrial and non-industrial, as described in RECAP Sections 2.9.1 and 2.9.2), resource use locations (water supply wells, surface water intakes, etc.), beneficial resource determinations (groundwater classifications as described in RECAP Section 2.10), natural resources (wetlands, etc.), sensitive subpopulation types and locations (schools, hospitals, nursing homes, day care centers, etc.), applicable exposure scenarios, and applicable exposure pathways identifying the specific sources, releases, migration mechanisms, exposure media, exposure routes and receptors. The Land Use and Exposure Profile shall include:

II.D.2.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

II.D.2.a.(1) Surrounding land uses, resource use locations, and natural resources/wetlands;

II.D.2.a.(2) Locations of sensitive subpopulations; and

II.D.2.a.(3) An exposure pathway flowchart which outlines sources, migration pathways, exposure media and potential receptors as depicted in Figure 8 (CMS example) of the RECAP.

II.D.3. Physical Profile

The Respondent shall include in the CSM a Physical Profile which shall describe the factors that may affect releases, fate and transport, and receptors, including; topography, surface water features, geology, and hydrogeology. The Physical Profile shall include:

II.D.3.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V.Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

II.D.3.a.(1) Topographic maps with a contour interval of five (5) or ten (10) feet, a scale of one inch to 100 feet (1:100), including hills, gradients, and surface vegetation or pavement;

II.D.3.a.(2) Surface water features including routes of all drainage ditches, waterways, direction of flow, and how they migrate to other surface water bodies such as canals and lakes;

II.D.3.a.(3) Regional geology including faulting and recharge areas, as well as local geology depicting surface features such as soil types, outcrops, faulting, and other surface features;

II.D.3.a.(4) Subsurface geology including stratigraphy, continuity (locations of facies changes, if known), faulting and other characteristics;

II.D.3.a.(5) Maps with hydrogeologic information identifying water-bearing zones, hydrologic parameters such as transmissivity, and conductivity. Also locations and thicknesses of aquitards or impermeable strata; and

II.D.3.a.(6) Locations of soil borings and production and groundwater monitoring wells, including well log information, and construction of cross-sections which correlate substrata. Wells shall be clearly labeled with ground and top of casing elevations (can be applied as an attachment).

II.D.4. Release Profile

The Respondent shall include in the CSM a Release Profile which shall describe the known extent of contaminants in the environment, including sources, contaminants of concern (COC), areas of investigations, distribution and magnitude of known COCs with corresponding sampling locations, and results of fate and transport modeling depicting potential future extent/magnitude of COCs. The Release Profile shall include:

II.D.4.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V. Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

II.D.4.a.(1) Estimations of source concentrations, exposure concentrations and compliance concentrations for each affected media as defined in Section 2.8 of RECAP;

II.D.4.a.(2) Isopleth maps depicting lateral extent and concentrations of COCs;

II.D.4.a.(3) Results of fate and transport modeling showing potential exposure concentrations and locations; and

II.D.4.a.(4) Locations of potential sources including past or present waste units or disposal areas and all SWMUs/AOCs.

II.D.4.b. Table(s) depicting the following information for each SWMU/AOC, including but not limited to: location; type of unit/disposal/release area; design features; operating practices (past and present); period of operation; age of unit/disposal/release area; general physical condition; and method of closure.

II.D.4.c. Table(s) depicting the following waste/contaminant characteristics for those areas referenced in Condition II.D.4.b, including but not limited to: type of waste placed in the unit (hazardous classification, quantity, chemical composition), physical and chemical characteristics (physical form, description, temperature, pH, general chemical class, molecular weight, density, boiling point, viscosity, solubility in water, solubility in solvents, cohesiveness, vapor pressure); and migration and dispersal characteristics of the waste (sorption coefficients, biodegradability, photodegradation rates, hydrolysis rates, chemical transformations).

II.D.5. Ecological Profile

The Respondent shall include in the CSM an Ecological Profile that shall describe the physical relationship between the developed and undeveloped portions of the facility, the use and level of disturbance of the undeveloped property, and the type of ecological receptors present in relation to completed exposure pathways. When compiling data for the Ecological Profile, current, as well as, future impacts to receptors and/or their habitats shall be considered. The Ecological Profile shall include:

II.D.5.a. A history and description of the developed property on the facility, including structures, process areas, waste management units, and property boundaries;

II.D.5.b. A history and description of the undeveloped property, including habitat type (wetland, grassy area, forest, ponds, etc.). Include a description of the primary use, degree and nature of any disturbance, along with proximity to drainage ditches, waterways and landfill areas;

II.D.5.c. A description of the site receptors in relation to habitat type, including endangered or protected species, mammals, birds, fish, etc.;

II.D.5.d. A description of the relationship between release areas and habitat areas, specifically relating chemicals of potential ecological concern (COEC) to ecological receptors;

II.D.5.e. An ecological checklist as described in Section 7.0 of RECAP. An ecological checklist (presented in Appendix C, Form 18 of the RECAP) shall be used to determine if a tier 1 (screening level) Ecological Risk Assessment (ERA) is warranted.

II.D.6. Risk Management Profile

The Respondent shall include in the CSM a Risk Management Profile that shall describe how each AOI at the facility will be managed for the protection of human health and the environment. The Risk Management Profile will serve as documentation of the results of the site ranking system (described in Section 2.2 of RECAP). The Risk Management Profile will also document the criteria and verify that the SO, MO-1, MO-2 or MO-3 is appropriate for application at each AOI. The Risk Management Profile shall include:

II.D.6.a. A table for tracking the management options for each AOI, and the determination made, whether an AOI is deemed for no further action at this time (NFA-ATT) or is going to use either the SO, MO-1, MO-2 or MO-3 management option.

II.D.6.b. A list of identified site-wide data gaps for further investigation.

II.D.6.c. Documentation of all interim measures which have been or are being undertaken at the facility, including under State or Federal compliance orders, other than those specified in the Order. This documentation shall include the objectives of the interim measures and how the measure is mitigating a potential threat to human health or the environment and/or is consistent with and integrated into requirements for a long term remedial solution.

II.E. INTERIM MEASURES

II.E.1. If at any time during the term of this Order, the Administrative Authority determines that a release or potential release of hazardous constituents from a SWMU/AOC poses a threat to human health and the environment, the Administrative

Authority may require interim measures. The Administrative Authority shall determine the specific measure(s) or require the Respondent to propose a measure(s). The interim measure(s) may include a request to amend (modify) the Order, a schedule for implementation, and an Interim Measures Workplan. The Administrative Authority may modify this Order according to LAC 33:V.321 to incorporate interim measures into the Order. However, depending upon the nature of the interim measures, modification of the Order may not be required.

II.E.2. The Respondent may propose interim measures at any time by submittal of an Interim Measures Workplan subject to the approval of the Administrative Authority.

II.E.3. The Administrative Authority shall notify the Respondent in writing of the requirement to perform interim measures and may require the submittal of an Interim Measures Workplan. The following factors will be considered by the Administrative Authority in determining the need for interim measures and the need for Order modification:

II.E.3.a. Time required to develop and implement a final remedy;

II.E.3.b. Actual and potential exposure to human and environmental receptors;

II.E.3.c. Actual and potential contamination of drinking water supplies and sensitive ecosystems;

II.E.3.d. The potential for further degradation of the medium in the absence of interim measures;

II.E.3.e. Presence of hazardous wastes in containers that may pose a threat of release;

II.E.3.f. Presence and concentration of hazardous waste including hazardous constituents in soil that has the potential to migrate to ground water or surface water;

II.E.3.g. Weather conditions that may affect the current levels of contamination;

II.E.3.h. Risks of fire, explosion, or accident; and

II.E.3.i. Other situations that may pose threats to human health and the environment.

II.E.5. Upon approval of the Interim Measures Workplan and completion of the interim measure(s) implementation, the Respondent will submit a report to the Administrative Authority describing the completed work.

II.E.6. At anytime during or after the interim measure(s), including the issuance of an NFA-ATT, the Administrative Authority may require the Respondent to submit the SWMUs/AOCs for further corrective action.

II.F. CAS (CORRECTIVE ACTION STRATEGY) INVESTIGATION WORKPLAN

II.F.1. The CAS Investigation Workplan that describes site investigation activities for corrective action shall be submitted to the Administrative Authority within 180 days after the scoping meeting between the Respondent and the Administrative Authority. The CAS Investigation Workplan must address releases of hazardous waste or hazardous constituents to all media, unless otherwise indicated, for those SWMUs/AOCs listed in Condition II.E.5, Table 2. The focus of the site investigation phase for corrective action is to collect data to fill in data gaps identified in the CSM. The corrective action investigations may be conducted in phases if warranted by site conditions, contingent upon approval by the Administrative Authority.

II.F.1.a. The CAS Investigation Workplan shall describe the management options (MO) for each AOI/release area, data quality objectives for achieving each management option, and proposals for release characterizations (sampling and analysis/quality assurance plans) to support the data quality objectives (DQOs). (DQOs are determined based on the end use of the data to be collected, and the DQO development process should be integrated into project planning and refined throughout the CAS implementation. DQOs shall be used to 1) ensure that environmental data are scientifically valid, defensible, and of an appropriate level of quality given the intended use, and 2) expedite site investigations. The CAS Investigation Workplan is required to have DQOs that are developed to support the performance standard for each release.) The CAS Investigation Workplan shall detail all proposed activities and procedures to be conducted at the facility, the schedule for implementing and completing such investigations, the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the site investigations. The scope of work for the site investigation can be found in RECAP Appendix B.

II.F.1.b. The CAS Investigation Workplan shall describe sampling, data collection quality assurance, data management procedures (including formats for documenting and tracking data and other results of investigations) and health and safety procedures.

II.F.1.c. Development of the CAS Investigation Workplan and reporting of data shall be consistent with the latest version of the following EPA and State guidance documents or the equivalent thereof:

II.F.1.c.(1) Guidance for the Data Quality Assessment, Practical Methods for Data Analysis. QA97 Version EPA QA/G-9. January 1998;

II.F.1.c.(2) Guidance for the Data Quality Objectives Process. EPA QA/G-4. September 1994;

II.F.1.c.(3) Data Quality Objectives Remedial Response Activities. EPA/540/G87-003. March 1987;

II.F.1.c.(4) Guidance on Quality Assurance Project Plans. EPA QA/G-5. February 1998;

II.F.1.c.(5) Interim EPA Data Requirements for Quality Assurance Project Plans. EPA Region 6, Office of Quality Assurance. May 1994;

II.F.1.c.(6) 29 CFR 1910.120 (b) for the elements to Health and Safety plans;

II.F.1.c.(7) RCRA Groundwater Monitoring: Draft Technical Guidance EPA/530-R-93-001 November 1992;

II.F.1.c.(8) Test Methods for Evaluating Solid Waste, Physical/Chemical Methods; SW-846, 3rd Edition. November 1992, with revisions;

II.F.1.c.(9) The LDEQ Handbook - **Construction of Geotechnical Boreholes and Groundwater Monitoring Systems," prepared by the LDEQ and the Louisiana Department of Transportation and Development.** This document is printed by and available from the Louisiana Department of Transportation and Development, Water Resources Section, P. O. Box 94245, Baton Rouge, Louisiana 70804-9245; and

II.F.1.c.(10) The LAC 33:I.Chapter 13 and Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP).

II.F.2. After the Respondent submits the CAS Investigation Workplan; the Administrative Authority will approve, disapprove, or otherwise modify the CAS Investigation Workplan in writing. All approved workplans become enforceable components of this Order.

In event of disapproval (in whole or in part) of the workplan, the Administrative Authority shall specify deficiencies in writing. The Respondent shall modify the CAS Investigation Workplan to correct these within the time frame specified in the notification of disapproval by the Administrative Authority. The modified workplan shall be submitted in writing to the Administrative Authority for review. Should the Respondent take exception to all or part of the disapproval, the Respondent shall submit a written statement of the ground for the exception within fourteen (14) days of receipt of the disapproval.

II.F.3. The Administrative Authority shall review for approval, as part of the CAS Investigation Workplan or as a new workplan, any plans developed pursuant to Condition II.L addressing further investigations of newly-identified SWMUs/AOCs, or Condition II.M addressing new releases from previously-identified SWMUs/AOCs.

II.G. IMPLEMENTATION OF SITE INVESTIGATION ACTIVITIES UNDER CAS

No later than fourteen (14) days after the Respondent has received written approval from the Administrative Authority for the CAS Investigation Workplan, the Respondent shall implement the site investigation activities according to the schedules and in accordance with the approved CAS Investigation Workplan and the following:

II.G.1. The Respondent shall notify the Administrative Authority at least 10 working days prior to any field sampling, field-testing, or field monitoring activity required by this Order to give LDEQ personnel the opportunity to observe investigation procedures and/or split samples.

II.G.2. Deviations from the approved CAS Investigation Workplan, which are necessary during implementation, must be approved by the Administrative Authority and fully documented and described in the progress reports (Condition II.C), RECAP Report (Condition II.H) and the final Risk Management Plan (Condition II.J).

II.H. RECAP REPORT

Within ninety (90) days after completion of the site investigation the Respondent shall submit a RECAP Report to the Administrative Authority for approval. The RECAP Report shall document the results of the site investigation activities, and the evaluation of the impacts from releases. The Administrative Authority will review and evaluate the report and provide the Respondent with written notification of the report's approval or a notice of deficiency. If the Administrative Authority determines the RECAP Report does not fully meet the objectives stated in the CAS Investigation Workplan (Condition II.F), the Administrative Authority shall notify the Respondent in writing of the report's deficiencies, and specify a due date for submittal of a revised Final Report to the Administrative Authority.

II.H.1. The Respondent shall screen site-specific data using the appropriate RECAP standard (RS) for each AOI (depending on the MO), evaluate impacts from releases with exposure scenario evaluations, and update the Risk Management Profile of the CSM.

II.H.2. The report shall include, but not be limited to, the following:

II.H.2.a. Documentation of site investigation activities and results;

II.H.2.b. Evaluation of exposure scenarios to document impacts from releases;

II.H.2.c. Deviations from the CAS Investigation Workplan;

II.H.2.d. Results of screening activities using RECAP standards (RS), including SO, MO-1, MO-2, or MO-3 RS for each media;

II.H.2.e. The revised CSM with updated profiles which incorporate investigation and screening results; and

II.H.2.f. Proposed revisions to performance standards based on new information (e.g., change in land use, difference in expected receptors and/or exposure, or other differences in site conditions), if warranted.

II.I. REMEDIAL ALTERNATIVES STUDY

Upon completion and approval of the RECAP Report, the Respondent shall proceed with the evaluation of remedial alternatives to complete corrective action for each AOI according to the performance standards described in Condition II.A.2. The remedial alternatives shall be submitted to the Administrative Authority in the Remedial Alternatives Study (RAS) within ninety (90) days of the Administrative Authority's approval of the RECAP Report. In the Remedial Alternatives Study, the Respondent shall identify and evaluate various potential remedies that would meet the performance-based corrective action objectives and propose one or more specific remedies based on an evaluation of applicable data and available corrective action technologies. The RAS shall be prepared in a manner that addresses the extent and nature of the contamination at the facility.

II.I.1. The Respondent shall evaluate remedies for each AOI that shall:

II.I.1.a. attain compliance with corrective action objectives for releases of hazardous waste and/or hazardous constituents, as established in the Conceptual Site Model or in later investigations approved by the Administrative Authority;

II.I.1.b. control sources of releases;

II.I.1.c. meet acceptable waste management requirements;

II.I.1.d. protect human health and the environment; and

II.I.1.e. meet applicable statutory and regulatory requirements (as noted in Condition II.A.2.b).

II.I.2. The Respondent shall evaluate the use of presumptive remedies and innovative technologies to achieve the appropriate remedial performance standards for each AOI.

II.I.3. The Respondent shall review the current interim measures/ stabilization activities to evaluate if these measures meet all the criteria for final remedy.

II.I.4. If under certain site-specific conditions, or when it is not technically or economically feasible to attain the corrective action objectives, the Respondent may propose to use institutional controls to supplement treatment or containment-based remedial actions upon approval of the Administrative Authority (Section 2.15 of RECAP).

II.I.5. The RAS shall at a minimum include:

II.I.5.a. An evaluation of the performance reliability, ease of implementation, and the potential impacts of the potential remedies;

II.I.5.b. An assessment of the effectiveness of potential remedies in achieving adequate control of sources and meeting remedial performance standards;

II.I.5.d. An assessment of the costs of implementation for potential remedies;

II.I.5.e. An assessment of the time required to begin and complete the remedy;

II.I.5.f. An explanation of the rationale for the remedy proposed for each AOI or group of AOIs; and

II.I.5.g. An assessment of institutional requirements (e.g., state Order requirements that may impact remedy implementation).

II.I.6. The Administrative Authority will review and evaluate the RAS and provide the Respondent with written notification of the study's approval or a notice of deficiency. If the Administrative Authority determines the RAS does not fully meet the requirements detailed in Conditions II.I.1 through II.I.5, the Administrative Authority shall notify the Respondent in writing of the RAS's deficiencies, and specify a due date for submittal of a revised RAS to the Administrative Authority. In addition, the Administrative Authority may require the Respondent to evaluate additional remedies or particular elements of one or more proposed remedies.

II.J. RISK MANAGEMENT PLAN

Within ninety (90) days of the Administrative Authority's approval of the RAS, the remedy/remedies proposed for selection shall be documented and submitted in the Risk Management Plan. The Respondent shall propose corrective action remedies in accordance with Chapter IV of the RCRA Corrective Action Plan (Final), May 1994, OSWER Directive 9902.3-2A or as directed by the Administrative Authority.

II.J.1. The Risk Management Plan shall at a minimum include:

II.J.1.a. A summary of the remedial alternatives for each AOI and the rationale used for remedy selection;

II.J.1.b. The final CSM with proposed remedies, including locations of AOIs addressed by a risk management activity, COC concentrations that represent the long-term fate and transport of residual COCs and the exposure pathways affected by the risk management activity;

II.J.1.c. Cost estimates and implementation schedules for proposed final remedies;

II.J.1.d. Proposed remedy design and implementation precautions, including special technical problems, additional engineering data required, Orders and regulatory requirements, property access, easements and right-of-way requirements, special health and safety requirements, and community relations activities;

II.J.1.e. Remedy performance criteria and monitoring:

The Respondent shall identify specific criteria (such as land use changes, fate and transport model verification and constructed remedy performance) that will be evaluated to demonstrate that the risk management activity implemented will remain protective. A schedule for periodic performance review (such as monitoring data summaries, including graphical and statistical analyses) shall be established to demonstrate that the implemented activities are consistently achieving and maintaining desired results. Further, a mechanism shall be established to re-evaluate risk management activities in the event the implemented action does not achieve and maintain the performance standards;

II.J.1.f. Contingency plans; and

II.J.1.g. Description and schedules for performance reviews.

II.J.2. After the Respondent submits the Risk Management Plan, the Administrative Authority will review and evaluate the plan and subsequently either inform the Respondent in writing that the plan is acceptable for public review or issue a notice of deficiency.

II.J.3. If the Administrative Authority determines the Risk Management Plan does not fully meet the remedial objectives, the Administrative Authority shall notify the Respondent in writing of the plan's deficiencies and specify a due date for submittal of a revised Final Risk Management Plan. In addition, the Administrative Authority may require the Respondent to evaluate additional remedies or particular elements of one or more proposed remedies.

II.J.4. After the Administrative Authority has determined the Risk Management Plan is acceptable for public review, the Administrative Authority shall inform the Respondent in writing and instruct the Respondent to submit the plan as a Class 3 modification request in accordance with the requirements of LAC 33:V.321.C.3 modifying the Order to include the Risk Management Plan by reference.

II.J.5. After conclusion of a sixty (60) day comment period, the Administrative Authority will either grant or deny the Class 3 modification request. In addition the Administrative Authority must consider and respond to all significant comments received during the sixty (60) day comment period.

II.J.6. If the Class 3 Modification request is granted, the Administrative Authority shall prepare a draft Order incorporating the proposed changes in accordance with LAC 33:V.703.C and solicit public comment on the draft document according to Condition II.N.3 of this Order.

II.J.7. If, after considering all public comments, the Administrative Authority determines that the Risk Management Plan is adequate and complete, the Administrative Authority will issue a public notice for final approval the Class 3 modification. The resultant modified Order will include schedules for remedy implementation as well as financial assurance provisions as required by Condition II.A.5 of this Order.

II.K. DETERMINATION OF NO FURTHER ACTION

II.K.1. NFA-ATT DETERMINATIONS FOR SPECIFIC SWMUs/AOCs

II.K.1.a. Based on the results of the site investigations, screening, risk evaluations and risk management activities, the Respondent may request a NFA-ATT determination for a specific SWMU/AOC by submittal of a Class 1¹ modification request under LAC 33:V.321.C.1. The NFA-ATT request must contain information demonstrating that there are no releases of hazardous constituents from a particular SWMU/AOC that pose a threat to human health and/or the environment.

The basis for the determination of NFA-ATT shall follow the guidelines as described in the RECAP (Section 1.2.1 of RECAP) for each AOI, depending on the MO used.

II.K.1.b. If, based upon review of the Respondent's request for a Order modification, the results of the site investigations, and other information the Administrative Authority determines that releases or suspected releases from an individual SWMU/AOC which were investigated either are non-existent or do not pose a threat to human health and/or the environment, the Administrative Authority may grant the requested modification.

¹Class 1 modifications marked by a superscript "1" require Administrative Authority approval prior to implementation in accordance with LAC 33:V.321.C.1.b.

II.K.1.c. In accordance with LAC 33:V.321.C.1.a.ii, the Respondent must notify the facility mailing list within ninety (90) days of the Administrative Authority's approval of the Class 1¹ Order modification.

II.K.2. FACILITY-WIDE NFA-ATT DETERMINATION

II.K.2.a. Upon the completion of all activities specified in the Risk Management Plan and after all SWMUs and AOCs at the facility have been remediated according to the standards dictated by the selected RECAP MO, the Respondent shall submit a summary report supporting a determination of NFA-ATT on a facility-wide basis.

II.K.2.b. The summary report must include a historical narrative for each SWMU/AOC at the site that includes a summary of the investigation, sampling & analysis, remedial, and confirmatory sampling activities leading to the NFA-ATT request. The basis for the determination of NFA-ATT shall follow the guidelines as described in the RECAP (Section 1.2.1 of RECAP) for each AOI, depending on the MO used. The facility-wide NFA-ATT determination must consider any newly-identified SWMUs/AOCs discovered after submittal of the Risk Management Plan.

II.K.2.c. The Administrative Authority will review and evaluate the summary report and subsequently either inform the Respondent in writing that the report is acceptable for public review or issue a notice of deficiency.

II.K.2.d. If the Administrative Authority determines the summary report does not fully demonstrate that all remedial objectives have been satisfied, the Administrative Authority shall notify the Respondent in writing of the summary report's deficiencies and specify a due date for submittal of a revised summary report.

II.K.2.e. After the Administrative Authority has determined the facility-wide NFA-ATT summary report is acceptable for public review, the Administrative Authority shall inform the Respondent in writing and instruct the Respondent to submit the summary report as a Class 3 modification request in accordance with the requirements of LAC 33:V.321.C.3.

II.K.2.f. After conclusion of a sixty (60) day comment period, the Administrative Authority will either grant or deny the Class 3 modification request. In addition the Administrative Authority must consider and respond to all significant comments received during the sixty (60) day comment period.

II.K.2.g. If, based upon review of the Respondent's Class 3 modification request, the results of the site investigations, confirmatory sampling, and other pertinent information, the Administrative Authority determines that all

SWMUs and AOCs have been remediated to the selected MO and no further action at the facility is warranted, the Administrative Authority will grant the modification request.

II.K.2.h. If the Class 3 Modification request is granted, the Administrative Authority shall prepare a draft Order incorporating the proposed changes in accordance with LAC 33:V.703.C and solicit public comment on the draft Order modification according to Condition II.N.4 of this Order.

II.K.2.i. If, after considering all public comments, the Administrative Authority determines that all activities specified in the Risk Management Plan have been completed and that all SWMUs and AOCs have been remediated to the selected MO, the Class 3 modification for facility-wide NFA-ATT will receive final approval. The CAS Order conditions will remain a part of the modified Order in the event that the remedial actions taken fail to maintain the established performance standard and to address any SWMUs/AOCs discovered at a later date.

II.K.3. CONTINUED MONITORING

If necessary to protect human health and/or the environment, a determination of NFA-ATT shall not preclude the Administrative Authority from requiring continued monitoring of air, soil, groundwater, or surface water, when site-specific circumstances indicate that releases of hazardous waste or hazardous constituents are likely to occur.

II.K.4. ADDITIONAL INVESTIGATIONS

A determination of NFA-ATT shall not preclude the Administrative Authority from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates a release or likelihood of a release from a SWMU/AOC at the facility that is likely to pose a threat to human health and/or the environment. In such a case, the Administrative Authority shall initiate a modification to the Order according to LAC 33:V.321.

II.L. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SWMUs AND POTENTIAL AOCs

II.L.1. The Respondent shall notify the Administrative Authority, in writing, of any newly-identified SWMUs and potential AOCs (i.e., a unit or area not specifically identified during previous corrective action assessments, RFA, etc.), discovered in the course of ground water monitoring, field investigations, environmental audits, or other means, no later than thirty (30) days after discovery. The Respondent shall also notify the Administrative Authority of any newly-constructed land-based SWMUs (including but not limited to, surface impoundments, waste piles, landfills, land treatment units) and newly-constructed SWMUs where any release of hazardous constituents may be difficult to identify (e.g., underground storage tanks) no later

than thirty (30) days after construction. The notification shall include the following items, to the extent available:

II.L.1.a. The location of the newly-identified SWMU or potential AOC on the topographic map required under LAC 33:V.517.B. Indicate all existing units (in relation to other SWMUs/AOCs);

II.L.1.b. The type and function of the unit;

II.L.1.c. The general dimensions, capacities, and structural description of the unit (supply any available drawings);

II.L.1.d. The period during which the unit was operated;

II.L.1.e. The specifics, to the extent available, on all wastes that have been or are being managed at the SWMU or potential AOC; and

II.L.1.f. Results of any sampling and analysis required for the purpose of determining whether releases of hazardous waste including hazardous constituents have occurred, are occurring, or are likely to occur from the SWMU/AOC.

II.L.2. Based on the information provided in the notification, the Administrative Authority will determine whether or not the area is a newly-identified SWMU or AOC. If the area is determined to be a newly-identified SWMU or AOC, the Administrative Authority will inform the Respondent in writing and request that the Respondent submit a Class 1¹ modification request under LAC 33:V.321.C.1 to add the newly-identified SWMU/AOC to Appendix 1, Table 1 of this Order.

Further, the Administrative Authority will determine the need for further investigations or corrective measures at any newly identified SWMU or AOC. If the Administrative Authority determines that such investigations are needed, the Administrative Authority may require the Respondent to prepare a plan for such investigations. The plan for investigation of SWMU or AOC will be reviewed for approval as part of the current CAS Investigation Workplan or a new CAS Investigation Workplan. The results of the investigation of any newly-discovered SWMU/AOC shall be incorporated into the CSM.

II.M. NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT A SWMU OR AOC

The Respondent shall notify the Administrative Authority of any release(s) from a SWMU or AOC of hazardous waste or hazardous constituents discovered during the course of ground water monitoring, field investigation, environmental auditing, or other means. The notification must be in accordance with the procedures specified in Item 6, Responsibilities of the Respondent (LAC 33: I, Chapter 39) of this Order and based upon the nature, extent, and severity of the release. Such newly-discovered releases may be from newly-identified

SWMUs or AOCs, newly-constructed SWMUs, or from SWMUs or AOCs for which, based on the findings of the CSM, completed RECAP Report, or investigation of an AOC, the Administrative Authority had previously determined no further investigation was necessary. The notification shall include information concerning actual and/or potential impacts beyond the facility boundary and on human health and the environment, if available at the time of the notification.

The Administrative Authority may require further investigation and/or interim measures for the newly-identified release(s), and may require the Respondent to prepare a plan for the investigation and/or interim measure. The plan will be reviewed for approval as part of the CAS Investigation Workplan or a new CAS Investigation Workplan. The Order will be modified to incorporate the investigation, according to the Class 1¹ modification procedures under LAC 33:V.321. The results of the investigation of any newly-identified release(s) shall be incorporated into the CSM.

II.N. PUBLIC PARTICIPATION REQUIREMENTS

Public participation is an essential element in the implementation of any corrective action program at the facility. The CAS promotes the early and continued involvement of stakeholders in site remediation activity during Order issuance, renewal, or modification. The public is invited to review and comment on the corrective action requirements contained in any draft decisions or draft modification documents and the associated plans and reports submitted by the Respondent. The Administrative Authority reserves the right to require more extensive public participation requirements based upon site-specific conditions and other relevant factors (e.g., compliance history, potential offsite impact, community interest, etc.). At a minimum, the public participation requirements shall include the following.

II.N.1. NFA-ATT Determinations for Specific SWMUs/AOCs

Based on the results of the site investigations, screening, risk evaluations and risk management activities, the Respondent may request a NFA-ATT determination for a specific SWMU/AOC by submittal of a Class 1¹ modification request under LAC 33:V.321.C.1. The Respondent must notify the facility mailing list within ninety (90) days of the Administrative Authority's approval of the Class 1¹ modification request, in accordance with LAC 33:V.321.C.1.a.ii and Condition II.K.1.c of this Order.

II.N.2. Draft Decision

The public may review and comment on the terms and conditions of the CAS during the public notice and comment period of the draft decision. The Administrative Authority shall issue public notice upon preparation of the draft decision in accordance with LAC 33:V.715. During the forty-five (45) day public comment period, the Administrative Authority will accept public comments on the draft decision. At the end of the public comment period, the Administrative Authority will consider and address all public comments and make any necessary revisions to the draft decision. After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final decision. The final decision will

include a "Responsiveness Summary" detailing all comments received on the draft decision and the actions taken (if necessary) to correct the draft before issuance of the final decision.

II.N.3. Final Remedy Selection

The public may review and comment on the terms and conditions of the Risk Management Plan as described in Conditions II.J.4 through II.J.7 of this Order. If after addressing all public comments the Administrative Authority determines that the Risk Management Plan is satisfactory, the Administrative Authority will prepare a draft modification document in accordance with LAC 33:V.703.C.

The draft modification document will include a "Basis of Decision". The "Basis of Decision" will identify the proposed remedy for corrective action at the site and the reasons for its selection, describe all other remedies that were considered, and solicit for public review and comments on the Risk Management Plan included in the draft modification document.

After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final modification. The final modification will include a "Responsiveness Summary" detailing all comments received on the draft modification and the actions taken (if necessary) to correct the draft before issuance of the final modification.

II.N.4. Facility-Wide NFA-ATT

Upon the completion of all activities specified in the Risk Management Plan and after all facility remedial objectives have been met, the Respondent may submit a summary report for a determination of NFA-ATT on a facility-wide basis in accordance with Condition II.K.2 of this Order. The public may review and comment on the summary report as described in Condition II.K.2.b. If after addressing all public comments the Administrative Authority determines that all SWMUs and AOCs have been remediated to the selected MO and no further action at the facility is warranted, the Administrative Authority will prepare a draft modification document in accordance with LAC 33:V.703.C.

The draft modification document will include a "Basis of Decision". The "Basis of Decision" will provide a summary detailing contamination sources, site investigations, the MO selected for the facility, facility remedial standards, remedial actions, and sampling results demonstrating that the facility remedial standards have been achieved.

After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final modification. The final modification will include a "Responsiveness Summary" detailing all comments received on the draft modification and the actions taken (if necessary) to correct the draft before issuance of the final modification of the Order.

II.N.5. Corrective Action Strategy Notification and Reporting Requirements

Table 1 below is a summary of the major notifications and reports that may be required by the Administrative Authority under the Corrective Action Strategy of this Order in the event of releases requiring RCRA corrective action. The Administrative Authority will notify the Respondent of the notification and reporting requirements during the scoping meeting or another applicable stage of the corrective action process. Specific submittals, accomplishments and activities will be summarized in Table 2, Summary of Corrective Action Activities, upon selection of final remedy or a no further action determination.

Table 1
Summary of CAS Notification and Reporting Requirements

ACTION	DUE DATE
Submit Notice of Intent to the Administrative Authority for review and comment (Condition II.B.1)	RESERVED
CAS Scoping Meeting held between facility and Administrative Authority (Condition II.B.2)	RESERVED
Submit Progress Reports on all activities to the Administrative Authority (Condition II.C.1)	Schedule to be determined by the Administrative Authority on a case-by-case basis
Make available other reports relating to corrective action to the Administrative Authority (Condition II.C.2)	Upon request of the Administrative Authority
Provide briefings to the Administrative Authority (Condition II.C.3)	As necessary and upon request by the Administrative Authority
Submit Conceptual Site Model (CSM) (Condition II.D) and facility Performance Standards (Condition II.A.2) to the Administrative Authority	RESERVED
Perform Interim Measures (Condition II.E)	As determined by the Administrative Authority on a case by case basis
Submit Corrective Action Strategy (CAS) Workplan for the facility investigation to the Administrative Authority (Condition II.F)	RESERVED
Implement site investigation activities under CAS Investigation Workplan according to approved schedule (Condition II.G)	RESERVED
Submit RECAP Report to the Administrative Authority (Condition II.H)	RESERVED
Submittal of Remedial Alternatives Study (RAS) to the Administrative Authority (Condition II.I)	RESERVED
Submit Risk Management Plan to the Administrative Authority (Condition II.J)	RESERVED
Submit requests for unit specific and facility-wide NFA-ATT determinations to the Administrative Authority (Condition II.K)	As necessary
Notification of newly-identified SWMUs and potential AOCs (Condition II.L)	Thirty (30) days after discovery
Notification of newly-discovered releases (Condition II.M)	According to the requirements of Conditions II.E.16 through II.E.20 of this Order

RESPONSIVENESS SUMMARY

**RESPONSIVENESS SUMMARY
ASSET FUNDING GROUP, LLC
FORMER EVANS HARVERY FACILITY
ADMINISTRATIVE ORDER FOR POST-CLOSURE CARE
PERMIT NUMBER LAD 008158289-AO-1
AGENCY INTEREST 1293**

ITEM	1
REFERENCE	Asset Funding Group, LLC., Former Evans Harvey Facility, Response to Public Comments
ISSUE	Findings of Fact, Section I
COMMENT	AFG requests that the "Site" be more specifically defined as consisting of the former drum reconditioning operations physically located between Peter's Road and the Harvey Canal, as represented in past agency records under AI 1293.
RESPONSE	The LDEQ acknowledges and concurs with the comment. The Site will be defined more specifically with the inclusion of a map indicating the site boundaries.
ACTION	The following language was added to the Findings of Fact: "The Facility is located on the land between Peters Road and the Harvey Canal as indicated on Attachment 1 of this Order." A map indicating the outlines of the facility is included as an attachment in the action.

RESPONSIVENESS SUMMARY
ASSET FUNDING GROUP, LLC
FORMER EVANS HARVERY FACILITY
ADMINISTRATIVE ORDER FOR POST-CLOSURE CARE
PERMIT NUMBER LAD 008158289-AO-1
AGENCY INTEREST 1293

ITEM	2
REFERENCE	Asset Funding Group, LLC., Former Evans Harvey Facility, Response to Public Comments
ISSUE	Findings of Fact, Section III
COMMENT	<p>AFG requests a copy of the referenced addendum to the Closure and Post-Closure Plan reportedly submitted to the LDEQ on February 5, 1997. Of significance, available records indicate that the wastes were removed from the interior of the unit and the liner decontaminated. As such, the administrative order should be clarified that wastes were not left in place upon closure.</p>
RESPONSE	<p>The LDEQ acknowledges and concurs only in part. Evans had submitted a risk assessment in September, 1995 and a closure plan on November 7, 1995 to support a clean closure of the Unit. The Closure and Post-Closure Plan states, "A Risk Assessment had been submitted in September, 1995 to support the proposal for a clean closure. Pursuant to the NOD and meetings with LDEQ personnel, Evans Industries is now submitting a Closure and Post-Closure Plan which includes removal of all bulk wastes contained in the Unit, decontamination of the unit concrete liner, and in-place closure of the liner and potentially contaminated underlying soils and groundwater." Though waste was removed from the Unit, the liner was not removed as would be required for a clean closure. In addition, despite the concrete liner, significant amounts of contamination may pass through the liner through cracks and joints, depending on the conditions and quality of maintenance at the unit. Such contamination can require long term monitoring and clean-up which requires a permit or some other enforceable document to implement.</p> <p>It is noted that there is some confusion regarding the dates of the Closure and Post-Closure Plan and the addendum. In the LDEQ Electronic Database Management System (EDMS), the Closure and Post-Closure Plan is dated January 1, 1997. However, the document was dated January 31, 1997 and marked as received by LDEQ on February 5, 1997. The document should be dated January 31, 1997 and this correction will be made in EDMS. The EDMS document identification number for the Closure and Post-Closure Plan is 6053230.</p>

RESPONSIVENESS SUMMARY
ASSET FUNDING GROUP, LLC
FORMER EVANS HARVERY FACILITY
ADMINISTRATIVE ORDER FOR POST-CLOSURE CARE
PERMIT NUMBER LAD 008158289-AO-1
AGENCY INTEREST 1293

There was an addendum submitted to the Closure and Post-Closure Plan. That document is titled "Supplemental Addendum to Closure and Post-Closure Plan Auxiliary Waste Containment Tank". The document is dated March 4, 1997, and has an EDMS document identification number 6053156.

ACTION

The following sentence was added to the section: "In the approved Closure and Post-Closure Plan, Evans dropped a request for clean closure of the Unit." In addition, the sentence "In a letter dated December 11, 1998, the Department approved closure of the Unit with waste in place and required post-closure care activities to be conducted in accordance with the Plan" to read "In a letter dated December 11, 1998, the Department approved closure of the Unit in which waste was removed from the Unit and required post-closure care activities to be conducted in accordance with the Plan."

**RESPONSIVENESS SUMMARY
ASSET FUNDING GROUP, LLC
FORMER EVANS HARVERY FACILITY
ADMINISTRATIVE ORDER FOR POST-CLOSURE CARE
PERMIT NUMBER LAD 008158289-AO-1
AGENCY INTEREST 1293**

ITEM	3
REFERENCE	Asset Funding Group, LLC., Former Evans Harvey Facility, Response to Public Comments
ISSUE	Responsibilities of the Respondent, Item 3, Duty to Provide Information and Item 4, Retention of Records
COMMENT	As LDEQ is aware, the facility is vacant and was operated by previous entities that are no longer solvent. Based on our preliminary review, information that LDEQ would require under this clause is likely not available and beyond AFG's control or ability to obtain. The responsibilities of AFG should therefore be clarified with respect to those records that are available upon reasonable records search. With respect to the subsequent clause (Item 4), AFG would like to request that the Retention of Records be allowed to be accomplished at an off-site location since the Site is unmanned.

**RESPONSIVENESS SUMMARY
ASSET FUNDING GROUP, LLC
FORMER EVANS HARVERY FACILITY
ADMINISTRATIVE ORDER FOR POST-CLOSURE CARE
PERMIT NUMBER LAD 008158289-AO-1
AGENCY INTEREST 1293**

RESPONSE The LDEQ acknowledges the comment and recognizes potential difficulties regarding the status of the site records. The LDEQ will make reasonable efforts to determine the status or obtain access to the applicable operational files of the Former Evans Harvey Facility.

LDEQ concurs that an off-site location may be used for the management of the facility records. The Respondent must indicate to the LDEQ the off-site location to be used to manage the facility files.

ACTION The following sentence was added to Item 3, Duty to Provide Information: "The Respondent is not responsible for records not in their control or possession; however, the Respondent may be required to perform testing or sampling in lieu of a records request from the Department."

The following sentence was added to Item 4, Retention of Records: "Records shall be maintained in accordance with this condition at the offices of the local consultant for the Respondent, Environ International Corporation, 8235 YMCA Plaza Drive, Suite 300, Baton Rouge, LA. The Respondent must notify in writing by certified mail any change in the location of the records."

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ITEM	4
REFERENCE	Asset Funding Group, LLC., Former Evans Harvey Facility, Response to Public Comments
ISSUE	Responsibilities of the Respondent, Item 19
COMMENT	<p>AFG's review of the Corrective Action Strategy (CAS) indicates a number of parallel, conflicting and overlapping requirements with the administrative order to the extent that compliance with both the administrative order and the CAS becomes overly burdensome, duplicative and unnecessary, if not practically impossible to comply with. AFG therefore requests acknowledgement that the CAS is to be referenced and used as an overall guidance that will be incorporated into the various submittals and compliance schedules required under the administrative order subject to LDEQ approval.</p> <p>With respect to a requirement for a Site Wide Corrective Action Plan, AFG's regulatory review indicates that under the Hazardous and Solid Waste Amendments (HSWA), there is no specific regulatory citation or driver for an un-permitted RCRA facility to conduct site-wide actions for areas with no identified solid waste management units or releases. In fact, LAC 33:V.3322 does not include a requirement or reference to additional actions beyond the requirement to assess releases from solid waste management units that are seeking a permit. In the case of the Evans Harvey Site, no permit was issued and no HSWA conditions are associated with previous agency approvals. The only release associated with the Site is alleged to have been from the closed surface impoundment following removal of all wastes and that is the subject of the current Post-Closure Plan. AFG respectfully requests removal of this item from the draft administrative order. Please see AFG's comment related to section III.6 below.</p>
RESPONSE	<p>The LDEQ concurs in part with this comment. The CAS attachment will be referred to as overall guidance and not be included as a specific submittal requirement.</p> <p>The LDEQ does not concur that there is no requirement to address site-wide corrective action in LAC 33:V.3322. First, it is not the stated position of the LDEQ that the Former Evans Facility was unpermitted. The facility was and is under a requirement to obtain a post-closure permit; however, under</p>

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LAC 33:V.4396, an enforceable document may be used to manage the facility in lieu of a post-closure permit. As such, the facility was being managed under the provisions of LAC 33:V.4396 and it would not be accurate to say that the facility was "unpermitted".

A facility that obtains an enforceable document in lieu of a permit must meet certain requirements spelled out in the regulation under LAC 33:V.4396 and LAC 33:V.305.H. Among these is the requirement for facility-wide corrective action addressed in accordance with LAC 33:V.3322.

The LDEQ maintains that there is a regulatory driver for site-wide corrective action under LAC 33:V.3322 that applies to the Former Evans Facility. Your comment states that "LAC 33:V.3322 does not include a requirement or reference to additional actions beyond the requirement to assess releases from solid waste management units that are seeking a permit." The first section of LAC 33:V.3322 states "the owner or operator of a facility seeking a permit for the treatment, storage, or disposal of hazardous waste must institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, regardless of the time at which waste was put in such unit." EPA has never defined solid waste management unit in the regulations but has provided guidance about the meaning. A solid waste management unit can be defined from EPA guidance as any discernable unit at which solid waste has been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid waste has been routinely and systematically released. A solid waste management unit is not limited to RCRA treatment, storage and disposal units; solid waste management units may include areas such as truck unloading areas and tank farms. In other words, the regulations require the investigation and clean up of areas other than the permitted treatment, storage and disposal units at a particular facility. What the regulation does not address is how specifically the corrective measures would be addressed. The LDEQ is willing to discuss language for this condition and the Schedule of Compliance, Item 6.

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ACTION

The following language was removed from the Order: "In addition, the Respondent must follow the guidance contained in the Attachment, the Corrective Action Strategy (CAS), to this Order for the administrative procedures for implementation, maintenance of any corrective action required under this Order. The requirements for site wide corrective action include the responsibility of the Respondent to notify the Department of new releases."

The following language was added to the Order: "The Site Wide Facility Assessment Plan required by Section III, Schedule of Compliance, Item 6, will be used to determine if there are solid waste management units or areas of concern, other than the Unit, located at the Facility that require further investigation. Based on the results of the site wide facility assessment, the Department will amend the order to indicate the Respondent's further obligations for site wide corrective action. The amended order will either indicate that the Respondent has completed their obligations under LAC 33:V.3322 at the time or specify the further specific submittal requirements. Attached to this Order is the Corrective Action Strategy (CAS) (Attachment 2). The CAS is intended as guidance only and is not meant to supersede the requirements of this Order."

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ITEM	5
REFERENCE	Asset Funding Group, LLC., Former Evans Harvey Facility, Response to Public Comments
ISSUE	Schedule of Compliance, Item 2
COMMENT	AFG requests the modification of timeframe for the submittal of a Groundwater Contamination Assessment Report from 30 days to 60 days to allow for laboratory turnaround time, data review and data validation.
RESPONSE	The LDEQ concurs with this comment. Changing the timeframe for submittal to 60 days is a reasonable request given the time needed to review and validate data required for decision making.
ACTION	The timeframe for submittal of the Groundwater Contamination Assessment Report was changed from 30 days to 60 days.

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ITEM	6
REFERENCE	Asset Funding Group, LLC., Former Evans Harvey Facility, Response to Public Comments
ISSUE	Schedule of Compliance, Item 6
COMMENTS	As stated above for III.19, AFG finds no grounds for the requirement to implement a Site-Wide Facility Assessment Plan for an un-permitted facility operating only under a Post-Closure Plan with no specific HSWA requirements. The specific regulatory requirements referenced under LAC 33:V.3322 do not include the requirement as stated and, in fact, may be exempted under LAC 33:V.3322.E or possibly be subject only to the assessment of alleged releases from the closed surface impoundment under LAC 33:V.3301.B. AFG would like to point out that an exemption or possibly a more site-specific and streamlined approach is available to the agency when considering the existing Post-Closure Plan as an enforceable document under LAC 33:V.3301.G. AFG requests that Item 6 be deleted from the draft administrative order.
RESPONSE	The LDEQ does not entirely concur with the comment. See the LDEQ response for the Responsibility of the Respondent, Item 19.
ACTION	"The plan must include a site inspection and a thorough records review. The purpose of the Site wide Facility Assessment Plan and subsequent report is the identification of any potential solid waste management units or areas of concern other than the Unit and the determination of any possible action. (See Responsibilities of the Respondent, Item 19)" replaced the original language, "The plan must include a site inspection and a thorough records review to provide a justification for the selection of sampling points. In addition, this Site-Wide Facility Assessment Plan must include a schedule detailing implementation of any corrective action."

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ITEM	7
REFERENCE	Asset Funding Group, LLC., Former Evans Harvey Facility, Response to Public Comments
ISSUE	Schedule of Compliance, Item 8
COMMENTS	<p>AFG requests clarification that remediation wastes and abandoned materials are not assumed to constitute Category 1 hazardous wastes since there is currently no basis in the record that the site generated listed wastes. AFG will conduct hazardous waste characterization testing or process knowledge as necessary in profiling Category II wastes as hazardous waste, industrial non-hazardous waste or recyclable materials as required under LAC 33:V.4903.</p> <p>AFG requests modification of the timeframe for delivery of the referenced report from 30 days to 60 days in order to ensure receipt of all manifests and remediation documentation.</p>
RESPONSE	<p>The LDEQ concurs with the Respondent that there is no indication in the record that listed wastes were taken at the Former Evans Facility and concurs with the stated approach to profiling any wastes recovered.</p> <p>LDEQ concurs with the request to extend the timeframe for delivery of the referenced report. LDEQ will change the timeframe for delivery of the report from 30 to 60 days.</p>
ACTION	<p>There is no assumption or specific language in the Order indicating that the wastes at the Former Evans Harvey Facility are listed wastes. Unless specific information is discovered during the clean-up of the facility, the waste material would be assumed to be characteristic or non-hazardous wastes.</p> <p>The timeframe for the delivery of the required reports was changed from 30 to 60 days (i.e., 240 days of issuance of this action).</p>

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ITEM	8
REFERENCE	Asset Funding Group, LLC., Former Evans Harvey Facility, Response to Public Comments
ISSUE	Provisions of the Order, Addition of Item 5, comment raised as a result of administrative review.
COMMENTS	Any data received by the LDEQ must meet the standards outlined in LAC 33: I. Subpart 3, Chapter 45.
RESPONSE	<p>Any data received regarding environmental monitoring and sampling must originate from a commercial laboratory that has received LELAP certification in accordance with LAC 33: I. Subpart 3, Chapter 45. A laboratory owned and operated by the respondent is not required to obtain LELAP certification to submit sampling data to the LDEQ.</p> <p>Language has been drafted to address this issue.</p>
ACTION	<p>The following language has been added as item 5 to the Provisions of the Order, "LELAP Accreditation. Any commercial laboratory providing analytical results and test data to the Department required by this Order shall be accredited by the Louisiana Environmental Laboratory Accreditation Program (LELAP) in accordance with LAC 33: I. Subpart 3, Chapter 45. Laboratory data generated by commercial laboratories not accredited under LELAP will not be accepted by the Department. If the Respondent decides to use their own in-house laboratory for test and analysis, the in-house laboratory is not required to be accredited by LELAP. However, the laboratory must maintain quality assurance/quality control procedures onsite."</p>

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ITEM	9
REFERENCE	Asset Funding Group, LLC., Former Evans Harvey Facility, Response to Public Comments
ISSUE	Provisions of the Order, Item 2; Responsibilities of the Respondent, Item 8; Schedule of Compliance, Item 7. Comment raised as a result of administrative review.
COMMENTS	The sections listed above required information to be submitted to the Office of Environmental Service, Environmental Assistance Division. The name of that division has been changed to the Office of Environmental Services, Permits Support Services Division.
RESPONSE	The order must be updated to reference the correct and appropriate offices and divisions. A word search will be performed to ensure that any references to the Environmental Assistance Division are changed to Permits Support Services Division.
ACTION	References to Environmental Assistance Division were changed to Permits Support Services in the Provisions of the Order, Item 2; Responsibilities of the Respondent, Item 8; Schedule of Compliance, Item 7.